

## **Permitting & Assistance Branch Staff Report**

Revised Solid Waste Facilities Permit for the  
Tracy Material Recovery & Transfer Facility

SWIS No. 39-AA-0024

October 22, 2013

### **Background Information, Analysis, and Findings:**

This report was developed in response to the San Joaquin County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Tracy Material Recovery & Transfer Facility, located in San Joaquin County and owned and operated by the Repetto family. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on August 15, 2013. New proposed permits were received on September 18, 2013 and October 2, 2013. Action must be taken on this permit no later than December 1, 2013. If no action is taken by December 1, 2013, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

### **Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2003)	Proposed Permit
Permitted Hours of Operation	4:00 AM- 6:00 PM - Commercial Daily 6:00 AM. – 4:00 PM Public - Daily	Receipt of Refuse/Waste: Commercial 4:00 a.m. – 6:00 p.m., Monday-Saturday Public - 6:00 a.m. – 6:00 p.m., Monday-Saturday Ancillary Operations/Facility Operating Hours: Indoors & Maintenance - 24 hrs./7 days/week Outdoors 6:00 a.m. –10:00 p.m./7 days/week
Permitted Maximum Tonnage	1,000 tpd (all waste) 1,038 tons per week/green waste	1,800 tpd
Permitted Vehicles	560/Day	1,245/Day
Activities	Transfer/Processing Composting (green waste) Cannery Waste Land Spreading	Transfer Processing Facility (MRF) CDI Processing Composting (food/green material)

### **Key Issues**

The proposed permit will allow for the following:

1. An expansion of composting operations to include food waste in both static piles (up to 15% food) and aerated covered windrows ( up to 40% food);
2. The addition of phased in construction/demolition/inert materials processing;

3. An increase in the maximum permitted daily tonnage and vehicle count;
4. An increase in waste acceptance hours and materials processing hours;
5. An addition of a biomass to energy unit; and
6. Expanding of the transfer/processing building and support facilities.

### **Background**

Tracy Material Recovery & Transfer Station, owned and operated by the Repetto family has been operating at the current location for 15 years. The facility is expanding operations to better meet waste diversion and recycling requirements.

### **Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated October 2, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on March 7, 2012. The findings of the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on October 2, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on August 15, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated August 26, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on September 18, 2013. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on October 2, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on July 24, 2013. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on September 18, 2013, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the transfer processing facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2013 – (February) - One violation of PRC 44014(b) Permit Terms and Conditions
- 2011-2012 – No violations were noted.
- 2010 – (July) - One violation of state minimum standards – 14 CCR Section 17409.5 - Load Checking
- 2009 – No violations were noted.

All violations were corrected to the satisfaction of the LEA.

### **Environmental Analysis:**

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Joaquin County Community Development Department acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit are as follows: An expansion of composting operations to include food waste in both static piles (up to 15% food) and aerated covered windrows (up to 40% food); The addition of phased in

construction/demolition/inert materials processing; An increase in the maximum permitted daily tonnage and vehicle count; An increase in waste acceptance hours and materials processing hours; An addition of a biomass to energy unit; and Expanding of the transfer/processing building and support facilities which are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 201102013 was circulated for a 30 day comment period from October 10, 2011 to November 8, 2011. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on February 6, 2012.

The San Joaquin County Environmental Health Department (LEA) provided a finding that the proposed revised SWFP is consistent with, and supported by, the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

### **Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on July 24, 2013, at the facility, in the City of Tracy. No members of the public attended. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on September 17, 2013 and October 15, 2013.